

REMARKS

The Applicant expresses appreciation to the Examiner for consideration of the subject patent application. This amendment is in response to the Office Action mailed April 21, 2004. Claims 2-6, 9, 11, 19-20, 22-26, 29, 31, 39-40 are withdrawn. Claims 1, 7, 8, 10, 13-18, 21, 27, 28, 30-38 and 41-44 were rejected. The specification and claims have been amended to address the concerns raised by the Examiner. The amendments are made to correct typographic informalities and to more specifically describe the subject matter of the invention. Support for the amendment can be found throughout the specification and no new matter has been added by means of the amendment.

Claims 1-44 were originally presented. Claims 1, 7, 10, 13-18, 21, 27, 30-38 and 41-44 remain in the application. Claims 8, 10, 28 and 30 have been canceled without prejudice. Claims 1, 10, 13-15, 17, 30-38 and 41-44 have been amended.

Election/Restriction Requirements:

Claims 1-44 were deemed generic to a plurality of disclosed patently distinct species and the election requirement was made FINAL. Therefore, Claims 2-6, 9, 11, 19-20, 22-26, 29, 31, 39-40 are withdrawn from consideration as corresponding to non-elected species. However, all of the claims have been examined with respect to the 35 U.S.C. §112 First and Second Paragraph issues.

Claim Rejections - 35 U.S.C. § 102

Claims 1, 7, 15-18, 21, 27, 35-38, 41-44 (including independent claim 1) were rejected under 35 U.S.C. § 102(b) as being anticipated by Fortier (U.S. Patent 5,733,563, hereinafter "Fortier").

In order to most succinctly explain why the claims presented herein are allowable, the Applicant will direct the following remarks primarily to the amended independent claim 1 with the understanding that once an independent claim is allowable, all claims depending therefrom are also allowable.

First of all, since the present application claims the benefit of a provisional application filed on June 19, 1998 and the publication date of Fortier is March 31, 1998, Fortier is not qualified to be cited as a reference in a 102(b) rejection. In addition, the Fortier reference fails to disclose "a protein domain having a coiled-coil structure" which provides the advantage of better performance of the present composition compared to the whole protein as used in the prior art. In Fortier, the cross-linking agent is a whole albumin type protein, while in the present invention the cross-linking agent is "a protein domain having a coiled-coil structure", which is patentably distinct from the whole protein disclosed in Fortier. Therefore, the amended Claim 1 is not anticipated by Fortier because Fortier fails to teach each and every element of the Claim as amended. In addition, since the Examiner indicates that Claim 8 is "free from prior art" and Claim 1 was amended by incorporating the limitation of Claim 8, thus the amended Claim 1 should also be "free of prior art" and be allowable. In addition, since Claims 7, 10, 13-18, 21, 27, 30-38 and 41-44 all depend on Claim 1, the Applicant respectfully submits that Claims 7, 10, 13-18, 21, 27, 30-38 and 41-44 are also allowable, and urges the Examiner to withdraw the 102(b) rejection.

Claim Rejections - 35 U.S.C. § 112

Claims 1-44 stand rejected under § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. Specifically, the Examiner states that "it is unclear, from the claim if the composition is the cross-linked product or just the constituents involved to create the hybrid hydrogel." Claim 1 is amended accordingly to clear any perceived confusion. Claims 10-14 and 30-34 are also amended by deleting the term "derivatives thereof" since the Examiner considered such terminology to render these claims to be "indefinite."

Claims 1-7 and 9-27 and 29-44 stand rejected under § 112, first paragraph, as failing to comply with the description requirement. Claim 1-7 and 9-27 and 29-44 have been amended by further defining the scope of the protein domain and the water soluble polymer in order to overcome the rejection. Therefore, the rejection is respectfully requested to be withdrawn.

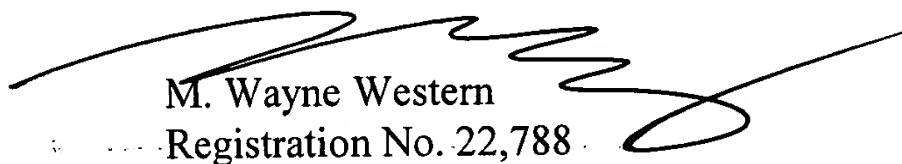
CONCLUSION

In light of the above, the Applicant respectfully submits that all pending claims are now in condition for allowance. Therefore, the Applicant requests that the rejections and objections be withdrawn, and that the claims be allowed and passed to issue. If any impediment to the allowance of these claims remains after entry of this Amendment, the Examiner is strongly encouraged to call Dr. Weili Cheng or, in her absence, the undersigned at (801) 566-6633 so that such matters may be resolved as expeditiously as possible.

The Commissioner is hereby authorized to charge any additional fee or to credit any overpayment to Deposit Account No. 20-0100.

DATED this 12th day of July, 2004.

Respectfully submitted,


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